IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3145 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MEHTA HITESH NAVINCHANDRA & 5 - Petitioner(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :
PARTY-IN-PERSON for Petitioner(s) : 1 - 6.
MR SIRAJ GORI, AGP for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 26/10/2005

ORAL JUDGMENT (Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

After arguing the matter for a considerable time, the petitioner no.6 – Katiya Hyderali Ahmedbhai, appearing as party-in-person alongwith 5 other petitioners, seeks permission to withdraw this petition

on his behalf and on behalf of all the other 5 petitioners. However, learned AGP Shri Gori for the respondent submitted that this being a Public Interest Litigation, normally such permission to withdraw is not granted after it is admitted by the court. However, the petitioner no.6 submitted that though it is filed as a Public Interest Litigation, strictly speaking, it was a private litigation and, in fact, the other petitioners had earlier approached the Civil Court at Wankaner by way of Civil Suit. It is a different matter that the said suit was returned to them as per the order dated 20th November, 2004 (Annexure 'F') for presenting the same before the competent court which has jurisdiction to entertain and decide the suit. Now they want to approach the competent Civil Court which has jurisdiction to entertain their suit.

1.1 Permission is granted and accordingly, it is dismissed as withdrawn. Rule discharged with no order as to costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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